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Appendix B

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Fax Information
Date Received: 10/10/2006 5:53:19 PM [Eastern Daylight Time]
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Received
Cover
Page

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TO: USPTO		TO: 4089714660	
ZILKA KOTAB		ZILKA KOTAB & ASSOCIATES	
200 PAPA CENTER PLAZA, SUITE 100 BOSTON, MA 02111		TEL: 617-251-1251 FAX: 617-251-1251	
KEY COVER SHEET			
DATE: 10/10/2006	Phone Number: 617-251-1251	Fax Number: 617-251-1251	
TO: ZILKA KOTAB & ASSOCIATES	FROM: USPTO		
Subject: 10/10/2006			
Total Number of Pages (including Cover Sheet): 13			
<p>Message:</p> <p>Please refer to the Facsimile Transmittal.</p> <p><i>[Signature]</i> 10/10/2006</p> <p><input type="checkbox"/> Original will follow via Registered Mail <input type="checkbox"/> Original will follow via Registered Mail</p>			
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ZILKA KOTAB

PC
ZILKA, KOTAB & FEECI[®]

100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE: (408) 971-2573
FAX: (408) 971-4660

FAX COVER SHEET

Date: October 10, 2006	Phone Number	Fax Number
To: Petition Division, USPIO		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NAI11460 01 625 01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 13

Message: Please deliver to the Petition Division. Thank you, Kevin J. Zilka
--

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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Tubyashkin et al.

Application No.: 09/965,659

Group No.: 2137

Filed: 09/27/2001

Examiner: Schubert, K.

For: COMPUTER VIRUS DETECTION

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

— under 37 CFR § 1.181(a)

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
2. I hereby state:
 - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with return postage as first-class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. _____

(mandatory)

TRANSMISSION

I enclose transmittal to the Patent and Trademark Office: (571) 373-8300

Signature

Eric L. Barlow

(Type or print name of person certifying)

*Under the "first-to-file" rule, with the date of filing of this patent from abandonment calculation, although the date of receipt of mailing or transmittal to the PTO is primary to the calculation of claim in determining timeliness. See 37 CFR 1.556(c)(2). Express Mail Post Office to Addressee: 1. The PTO will consider the earliest possible filing date for patent from abandonment applications.

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 80-1351 (Order No. NA11P460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.




Reg. No.: 11,129
Tel. No.: 408 971-2873
Customer No.: 28875

Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 50-1531 (Order No. NALP460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner
Kevin Zilka
Zilka Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Reg. No.: 41429
Tel. No.: 408-971-2593
Customer No.: 28875

ADDRESS

RESULTS

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97 MEMPH TX

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[illegible]

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ZILKA-KOTAB

ЗЛЕКА, КОЈА Ё ПРЕГЛЕ

100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: June 28, 2006	Phone Number	Fax Number
To: Issue Fee Division, USPTO		(571) 273-2885
From: Kevin J. Zalka		

Docket No.: NA11P460/01345.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

Message:

Please deliver to the Issue Fee Division.

Thank you,

Kevin J. Zilka

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ZILKA KOTAB

PC
ZILKA, KOTAB & EECERSM

100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-3660

FAX COVER SHEET

Date: June 28, 2006	Phone Number	Fax Number
To: Issue Fee Division, USPTO		(571) 273-2885
From: Kevin J. Zilka		

Docket No.: NAIIP460-01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

Complete and send this form, together with a cable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or **Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where indicated. All further correspondence including the Patent, advance order and notification of maintenance fees will be mailed to the current correspondence address so indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS: (Enter the Block 1 for any change of address)

7396 05/24/2006

Zilka-Kotab, PC
 P.O. Box 721120
 San Jose, CA 95172-1120

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmittal.

Certificate of Mailing or Transmittal

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Ernest L. Barlow (Deposited name)
 June 28, 2006 (Signature)
 June 28, 2006 (Date)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO.
09/963,659	09/27/2001	Ivan Telyashin	01,043,01	9215

TITLE OF INVENTION: COMPUTER VIRUS DETECTION

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEES DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/24/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
SCHUBERT, KEVIN R	2137	726-024000			

1 Change of correspondence address or indication of "Free Address" (37 CFR 1.362)

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Free Address" indication (or "Free Address" Indication form PTO/SB/127, Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

2 For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents, OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Zilka-Kotab, PC

2 Christopher J. Hamaty

3

3 ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.14. Continuity of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

McAfee, Inc.

Santa Clara, California

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies

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☐ Payment by credit card. Form PTO-2018 is attached.

☒ Deposit is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 561-12345 (make an extra copy of this item).

Order No. NA15P-660

5 Change in Entry Status (from status indicated above)

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27

☒ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if required) and to re-apply any previously paid issue fee to the application identified above. **NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature:

Date

Typed or printed name

Kevin J. Zilka

Registration No.

41,429

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Note: A certificate of mailing can only be used for domestic mailings of the **Fee(s)** Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or format drawing, must have its own certificate of mailing or transmittal.

7598 05/24/006

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 P.O. Box 721129
 San Jose, CA 95172-1120

Certificate of Mailing or Transmittal
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Cynthia A. Gadow (Depositor's name)
 (Signature)
 June 28, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/953,659	09/27/2001	Ivan Tschyschkin	01 045 01	9245

TITLE OF INVENTION: COMPUTER VIRUS DETECTION

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEES/DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/24/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
SCHUBERT, KEVIN R	2137	726-034000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363)

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-1122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-17, Rev 03-02 or more recent) attached. Use of a **Customer Number** is required.

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(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Zilka-Kotab, PC

Christopher J. Hamaly

3. **ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT** (print or type)

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(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

McAfee, Inc.

Santa Clara, California

Please check the appropriate assignee category or categories. (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following **fee(s)** are enclosed:

☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

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☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required **fee(s)**, on credit any overpayment, to Deposit Account Number 50-1251 (enclose an extra copy of this form).

5. Change in Entry Status (from status indicated above)

☐ A Applicant claims **SMALL ENTITY** status. See 37 CFR 1.2.

☐ Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(e)(7).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid Issue fee to the application identified above. **NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Kevin J. Zilka

Date

6/28/06

Typed or printed name

Registration No.

41,429

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United States Patent and Trademark Office
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Washington, D.C. 20514
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www.uspto.gov

COPY

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/09/05	09/27/06	Ivan Telyachikov	SI 045.01	0545

3590 06/06/2006
Zilka Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

EXAMINER

SI ROBERT F. FAYE JR.

ARTICLE

PAPER NUMBER

1437

DATE MAILED 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/963,659

Examiner

SHUBERT

Applicant(s)

TEBLYASHKIN

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$1400 is due.
The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

For questions concerning the notice contact Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and re-mail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop: Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.